

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

PHILLIPS MACHINE SERVICE,
INC., et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 5:14-cv-27107

SOUTHERN COAL CORPORATION,
et al.,

Defendants.

ORDER AND NOTICE

Pursuant to LR Civ P 16.1, it is **ORDERED** that the following dates are hereby fixed as the time by or on which certain events must occur:

- 11/24/14** Motion Under FR Civ P 12(b), together with supporting briefs, memoranda, affidavits, or other such matter in support thereof. (All motions unsupported by memoranda will be denied without prejudice pursuant to LR Civ P 7.1(a).)
- 12/10/14** Last day for Rule 26(f) meeting.
- 12/17/14** Last day to file Report of Parties' Planning Meeting and Scheduling Order Worksheet, available on the Court's website. See LR Civ P 16.1.
- 01/07/15** Scheduling conference at **1:30 p.m.**, in **Beckley, West Virginia**, before the undersigned, unless cancelled. If held, lead counsel shall appear and be prepared to discuss the following:
- (a) the discovery to be completed and the amount of time necessary for its completion;
 - (b) the further formulation and simplification of issues, including possible elimination of claims or defenses;

- (c) the possibility of entering into stipulations regarding issues for trial;
- (d) the possibility of obtaining admissions regarding facts and documents; and
- (e) other matters that will assist the parties in reaching a final resolution of this matter.

01/20/15 Entry of Scheduling Order.

01/23/15 Last day to serve FR Civ P 26(a)(1) initial disclosures pre-discovery.


NOTICE

The provision of FR Civ P 14 and 15 with respect to the time in which to file third-party claims and to amend pleadings without leave of court are not affected by this Order and Notice.

Pursuant to LR Civ P 16.1 and 73.1, the parties are informed of their opportunity to consent to the exercise by a magistrate judge of civil jurisdiction over the case, including entry of judgment, as authorized by 28 U.S.C. § 636. The parties may consent by filing a Consent to Jurisdiction by a United States Magistrate Judge (FR Civ P Form 34), or by so indicating on the Report of Parties' Planning Meeting and Scheduling Order Worksheet, all of which are available on the Court's website.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and to any unrepresented party.

ENTER: October 23, 2014


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA